

Notice of Allowability

Application No.

10/713,153

Examiner

Thomas A. Morrison

Applicant(s)

KOBAYASHI ET AL.

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated May 12, 2005.
2. ☒ The allowed claim(s) is/are 1-6 and 11-13.
3. ☒ The drawings filed on 17 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Manabu Kanesaka (Registration No. 31,467) on July 29, 2005.

In claim 1, line 11, after "outlet", "in a sheet discharge direction" was deleted.

In claim 1, line 26, after "without", -- the one original -- was inserted.

In claim 4, line 7, after "the", -- one -- was inserted.

In claim 11, line 9, after "the", -- one -- was inserted.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

U.S. Patent No. 5,995,801 (Katsuta et al.) is the closest prior art reference. With regard to independent claim 1, the Katsuta et al. patent discloses an original tray, feed means, transport means, a switchback path, a re-feed path, discharge means and means to cause overlapping of one original with a next original. However, the Katsuta et al. patent fails to disclose means to cause overlapping of one original with a next original after two sides of the one original are read so that the one original after the two sides of the one original are read is sent to a feeding position via the switchback path, is

overlapped with the next original to feed the one and next originals in a same direction and to pass through the reading position in an overlapped condition without the one original being read. More specifically, the Katsuta et al. patent fails to disclose feeding of the one and next originals in a same direction and passing through the reading position in an overlapped condition without the one original being read, as now set forth in independent claim 1.

With regard to independent claim 11, the Katsuta et al. patent discloses an image reading apparatus with transport means, reading means, a switchback path, discharge means and control means for controlling the transport means, the reading means and the discharge means. However, the Katsuta et al. patent fails to disclose control means for controlling the transport means, the reading means and the discharge means such that the one original is circulated twice through the switchback path for reading two sides of the one original by the reading means; the one original is overlapped with a next original after the two sides of the one original are read and the one and next originals in an overlapped condition are transferred to the reading position; and the next original overlapped with the one original is read by the reading means. More specifically, the Katsuta et al. patent fails to disclose one original is overlapped with a next original after the two sides of the one original are read and the one and next originals in an overlapped condition are transferred to the reading position, as now set forth in independent claim 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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